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EXAMINER

SARPONG, AKWASI

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2625

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/676,392	Applicant(s) BENEDICTO ET AL.	
	Examiner AKWASI M. SARPONG	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7 and 17-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7 and 17-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3-5, 7, 17-26, 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusunoki (7010176) in view of Segawa (5818612).

Claim 1, Kusunoki discloses a method for scanning media, the method comprising:

preview scanning a platen using an image sensor (**Col. 6 lines 30-36, Fig. 1 El. 14 or El 15- thus each of these image sensor can be used for preview scanning**) ;
pre-processing image data obtained through the preview scanning of the platen to automatically determine settings to apply during a subsequent final scan (**Col. 7 lines 58-67- thus the parameters or settings applied during pre-scanning is the same settings used for the final scan**)

and

applying the settings obtained during the preview scanning to perform the subsequent final scan of the media at a relatively high resolution using a high-resolution image sensor. (**Col. 6 lines 38-45- thus film scanner 15 scans at a higher resolution and**

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according to Col. 7 lines 58-67 the parameters used for the pre-scanning is the same used in the final scan)

wherein the settings obtained during the preview scanning are automatically performed during the subsequent final scan without receiving commands from a user.

(Col. 6 lines 38-45- thus the parameters set by the user during the pre-scan is used for the final scan and therefore the parameters are automatically transferred during the final scan).

Kusunoki does not disclose a dedicated pre-view image scanner.

Segawa disclose a dedicated image scanner used for pre-view scanning image. **(Col. 3 lines 39-68 and Col. 4 lines 1-15 - thus image sensor 43 is mounted to scan the image in a pre-scan mode and also in a lower resolution)**. Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Kusunoki's scanner sensors to include Segawa's image sensor 43 which is dedicated for pre-scanning in a lower resolution mode so that the modified scanner will have a sensor used for pre-scanning which will reduce the burden on the solely used image sensor for both purpose.

Claim 3, Kusunoki in view of Segawa discloses the dedicated preview image sensor **(Segawa: Col. 3 lines 4—45- thus the image sensor 43 is dedicated for pre-scanning purposes)** is fixed in place_within a scanning unit of an imaging device to avoid latency associated with physically moving the preview image sensor back and

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forth to obtain a scan. **(Kusunoki: Col.5 lines 1-11- thus the sensor is stationary meaning that it is fixed and does not move during scanning).**

Claim 4, Kusunoki in view of Segawa discloses wherein scanning a platen comprises capturing an image of the entire media using the dedicated preview image sensor instantaneously **(Segawa: Col. 3 Lines 58-65- thus the image sensor 43 captures the whole image which can also include some outside portion of the document) .**

Claim 5, Kusunoki in view of Segawa discloses wherein pre-processing comprises at least one of performing automatic copy type detection, automatic document size detection, **(Kusunoki: Col. 6 lines 3-18 thus the size of the image is determined by the scanner after the pre-scan)** automatic skew detection, zoning analysis, background/foreground determination, document classification, template matching, and an ink requirement estimate.

Claim 6, Cancelled.

Claim 7, Kusunoki in view of Segawa discloses wherein the settings include size of the media and skew of the media. **(Kusunoki: Col. 6 lines 3-15 thus the size of the image determines the size of the paper of media used)**

Claim 17, Kusunoki disclose a scanning unit (**Fig. 1 El. 14 or 15**) for use in an imaging device (**Fig. 1 shows clearly an imaging device**)

a preview scanning module comprising a first image sensor having a first resolution (**Col. 6 lines 38-40- thus the image scanner has the mentioned resolution which is different from the resolution of the other resolutions**)

a final scanning module comprising a second image sensor having a second resolution that is higher than the first resolution (**Col. 6 Lines 41-46- thus the final scanner has a higher resolution than the resolution of the first scanner used for scanning secondary**) and

an image processor that is configured to perform a preview scan using the dedicated preview scanning module (**Fig. 1 EL. 18 or CPU 18- thus the CPU 18 is used for controlling the image data**) ,

to pre-process image data collected by the preview scanning module during the preview scan, to determine settings from the image data collected by the dedicated preview scanning module during the preview scan, (**Col. 7 lines 58-67- thus the parameters or settings applied during pre-scanning is the same settings used for the final scan**).

and to use the settings from the image data collected during the preview scan to perform the final scan using the final scanning module, (**Col. 6 lines 38-45- thus film scanner 15 scans at a higher resolution and according to Col. 7 lines 58-67 the parameters used for the pre-scanning is the same used in the final scan**).

wherein the settings are automatically determined and performed during the final scan without receiving commands from a user. **(Col. 6 lines 38-45- thus the parameters set by the user during the pre-scan is used for the final scan and therefore the parameters are automatically transferred during the final scan).**

Kusunoki does not disclose a dedicated pre-view image scanner.

Segawa disclose a dedicated image scanner used for pre-view scanning image. **(Col. 3 lines 39-68 and Col. 4 lines 1-15 - thus image sensor 43 is mounted to scan the image in a pre-scan mode and also in a lower resolution).** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Kusunoki's scanner sensors to include Segawa's image sensor 43 which is dedicated for pre-scanning in a lower resolution mode so that the modified scanner will have a sensor used for pre-scanning which will reduce the burden on the solely used image sensor for both purpose.

Claim 18, Kusunoki in view of Segawa discloses wherein the dedicated preview scanning module **(Segawa: Col. 3 lines 4-45- thus the image sensor 43 is dedicated for pre-scanning purposes)** is fixed within the scanning unit so as not to be movable within the unit to avoid latency associated with physically moving the dedicated preview scanning module back and forth to obtain a scan. **(Kusunoki: Col.5 lines 1-11- thus the sensor is stationary meaning that it is fixed and does not move during scanning).**

Claim 19, Kusunoki in view of Segawa discloses wherein the dedicated scanning module is displaceable to facilitate scanning. **(Segawa: Col. 3 lines 4-45- thus the image sensor is used or dedicated for scanning)**

Claim 20, Kusunoki in view of Segawa discloses wherein the scanning unit further comprising a platen on which media may be placed, wherein the dedicated preview scanning module is positioned directly opposite the platen such that the first image sensor directly faces the platen **(Kusunoki: Col. 4 Lines 65-67 and Col. 5 lines 1-11- thus since the scanner has a flat top type of platen the sensors has to be under the glass to have the image scanned) .**

Claim 21, Kusunoki in view of Segawa discloses that the scanning unit further comprising a platen on which media may be placed, wherein the dedicated preview scanning module is positioned at an angle relative to the platen such that the first image sensor does not directly face the platen. **(Kusunoki: Col. 4 Lines 65-67 and Col. 5 lines 1-11- thus since the scanner has a flat top type of platen the sensors has to be under the glass to have the image scanned).**

Claim 22, Kusunoki in view of Segawa discloses wherein the dedicated preview scanning module further comprises a wide angle lens. **(Segawa: Fig. 3 shows clearly that the sensor is able to sense in an angle to cover the document).**

Claim 23, Kusunoki in view of Segawa discloses wherein the image processor comprises at least one processing algorithm and a buffer. **(Fig. 1 El. 18 and EL. 20 or C.P.U 18 and RAM 20).**

Claim 24, Kusunoki in view of Segawa discloses wherein it further comprising a light source that is configured to facilitate delivery of reflected light to the first image sensor of the dedicated preview scanning module. **(Segawa: Col. 3 Lines 39-50- and Col. 4 lines 10-19- thus the light source 7 is used for scanning the image using an image)**

Claim 25, Kusunoki in view of Segawa discloses wherein the scanning unit further comprising a reflector that is configured to facilitate delivery of reflected light to the first image sensor of the dedicated preview scanning module. **(Segawa: Col. 4 Lines 7-19- thus the light source 7 is used when scanning the image data).**

Claim 26, Kusunoki in view of Segawa discloses wherein first image sensor has a resolution of approximately 30-150 points per inch (ppi) **(Kusunoki: Col. 6 lines 38-42- thus the resolution of the first image scanner can be within 30-150)** and the second image sensor has a resolution of approximately 600-1200 ppi. **(Kusunoki: Col. 6 lines 42- 46-thus the resolution of the first image scanner can be within 30-150)**

Claim 27, Kusunoki discloses an imaging device **(Fig. 1 shows clearly an imaging device)** comprising

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a scanning unit including a preview scanning module comprising a first image sensor having a first resolution, (**Col. 6 lines 38-40- thus the image scanner has the mentioned resolution which is different from the resolution of the other resolutions**)

a final scanning module comprising a second image sensor having a second resolution that is higher than the first resolution, (**Col. 6 Lines 41-46- thus the final scanner has a higher resolution than the resolution of the first scanner used for scanning secondary**)

and an image processor that is configured to perform a preview scan using the preview scanning module, (**Fig. 1 EL. 18 or CPU 18- thus the CPU 18 is used for controlling the image data**).

to pre-process image data collected by the preview scanning module during the preview scan, to use the image data collected during the preview scan to determine settings to be used to operate the final scanning module, (**Fig. 1 EL. 18 or CPU 18- thus the CPU 18 is used for controlling the image data**).

and to perform the final scan using the settings in the final scanning module, (**Col. 6 lines 38-45- thus film scanner 15 scans at a higher resolution and according to Col. 7 lines 58-67 the parameters used for the pre-scanning is the same used in the final scan**).

wherein the settings are automatically determined and performed by the final scanning module during the final scan without receiving commands from a user; (**Col. 6 lines 38-45- thus the parameters set by the user during the pre-scan is used for**

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the final scan and therefore the parameters are automatically transferred during the final scan).

and

a printing module that is configured to generate hard copy documents from received image data. **(Fig. 1 EI. 16 shows clearly a printer used for printing images).**

Kusunoki does not disclose a dedicated pre-view image scanner.

Segawa disclose a dedicated image scanner used for pre-view scanning image. **(Col. 3 lines 39-68 and Col. 4 lines 1-15 - thus image sensor 43 is mounted to scan the image in a pre-scan mode and also in a lower resolution).** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Kusunoki's scanner sensors to include Segawa's image sensor 43 which is dedicated for pre-scanning in a lower resolution mode so that the modified scanner will have a sensor used for pre-scanning which will reduce the burden on the solely used image sensor for both purpose.

Claim 28, Kusunoki in view of Segawa discloses wherein the dedicated preview scanning module comprises a low-resolution image sensor. **(Segawa: Col. 4 Lines 7-19- thus the image sensor 43 scan with a lower resolution)**

Claim 29, Kusunoki in view of Segawa disclose wherein low-resolution image sensor has a resolution of approximately 30-150 points per inch (ppi). **(Kusunoki: Col.**

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6 lines 38-42- thus the resolution of the first image scanner can be within 30-150)

Claim 30, Kusunoki in view of Segawa discloses wherein the dedicated preview scanning module is fixed within the scanning unit to avoid latency associated with physically moving the dedicated preview scanning module to obtain a scan. **(Kusunoki: Col.5 lines 1-11- thus the sensor is stationary meaning that it is fixed and does not move during scanning).**

Claim 31, Kusunoki in view of Segawa discloses wherein the final scanning module comprises a high-resolution image sensor. **(Col. 6 Lines 41-46- thus the final scanner has a higher resolution than the resolution of the first scanner used for scanning secondary)**

Claim 32, Kusunoki in view of Segawa discloses wherein the high-resolution image sensor has a resolution of approximately 600-1200 points per inch (ppi). **(Kusunoki: Col. 6 lines 42- 46-thus the resolution of the first image scanner can be within 30-150).**

Claim 33, Kusunoki in view of Segawa discloses wherein an imaging device that further comprising a platen on which media may be placed, wherein the dedicated preview scanning module is positioned directly opposite the platen such an image sensor of the dedicated preview scanning module directly faces the platen. **(Kusunoki:**

Col.5 lines 1-11- thus the sensor is stationary meaning that it is fixed and does not move during scanning).

Claim 34, Kusunoki in view of Segawa discloses wherein the imaging device further comprising a platen on which media may be placed, wherein the dedicated preview scanning module is positioned at an angle relative to the platen such that an image sensor of the dedicated preview scanning module does not directly face the platen. **(Segawa: Fig. 3 shows clearly that the sensor is able to sense in an angle to cover the document).**

2. Claim 2 rejected under 35 U.S.C. 103 (a) as being unpatentable over Kusunoki (7010176) in views of Segawa (5818612) and further Yeung (6377703).

Claim 2, Kusunoki in view of Segawa discloses all the limitations of claim 1.

However Kusunoki in view of Segawa does not discloses wherein the settings include detecting black and white versus color of the media and detecting a document size of the media.

Yeung discloses wherein the settings include detecting black and white versus color of the media and detecting a document size of the media. (A Col. 5 line 15-33- thus the processor determines whether the image scanned is either a color or a black and white). Therefore it will be obvious for one ordinary skilled in the art at the time the invention was made to modify Kusunoki in view of Segawa's detecting method to include determine whether the image is either black or white so that the processor will be able to determine which program to apply.

Response to applicants' arguments

The arguments of the applicant filed on 10/22/2008 was considered but was not persuasive.

Regarding claim 1, applicant argues that the cited references fails to teach that the settings obtained during the preview scanning are automatically performed during the subsequent final scan without receiving commands from a user.

In reply, Examiner respectfully disagrees because Kusunoki discloses the settings obtained during the preview scanning are automatically performed during the subsequent final scan without receiving commands from a user. **(Col. 6 lines 38-45- thus the parameters set by the user during the pre-scan is used for the final scan and therefore the parameters are automatically transferred during the final scan).**

Regarding Claim 17, applicant argues that the cited references fails to teach that the settings obtained during the preview scanning are automatically performed during the subsequent final scan without receiving commands from a user.

In reply, Examiner respectfully disagrees because Kusunoki discloses that the settings obtained during the preview scanning are automatically performed during the subsequent final scan without receiving commands from a user. **(Col. 6 lines 38-45- thus the parameters set by the user during the pre-scan is used for the final scan and therefore the parameters are automatically transferred during the final scan).**

Regarding Claim 27, applicant argues that the cited references fails to teach that the settings obtained during the preview scanning are automatically performed during the subsequent final scan without receiving commands from a user.

In reply, Examiner respectfully disagrees because Kusunoki discloses that the settings obtained during the preview scanning are automatically performed during the subsequent final scan without receiving commands from a user. **(Col. 6 lines 38-45- thus the parameters set by the user during the pre-scan is used for the final scan and therefore the parameters are automatically transferred during the final scan).**

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to AKWASI M. SARPONG whose telephone number is (571)270-3438. The examiner can normally be reached on Monday-Friday 8:00am-5:00pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on 571-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

AMS
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